

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TAFT BURTTON,

Defendant.

8:08CR7

MEMORANDUM AND ORDER

This matter is before the Court on the Defendant's correspondence, ECF No. 210, in which he seeks a reduction of sentence pursuant to the Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372 (2010), effective August 3, 2010 (which reduced the penalties for certain crack cocaine offenses), and the First Step Act, Pub. L. No. 115-391, 132 Stat. 5194 (2018) (which permits but does not require sentencing judges to reduce sentences imposed prior to the Fair Sentencing Act).

The Defendant pled guilty to Count I of the Indictment (Possession with Intent to Distribute Crack Cocaine) and was sentenced to a term of 10 years incarceration and five years of supervised release on February 11, 2009. His term of supervised release commenced on October 18, 2016. See Receipt, ECF No. 202. He is currently on supervised release, and a Petition is pending alleging violations of the conditions of his supervision, ECF No. 209.

Because the Defendant has completed his term of incarceration, the First Step Act is inapplicable. The Court will not exercise discretion to affect a hypothetical reduction of the Defendant's term of incarceration and create an earlier hypothetical commencement date for his supervised release.

IT IS ORDERED:

1. The Defendant's correspondence, ECF No. 210, in which he seeks a reduction of sentence pursuant to the Fair Sentencing Act of 2010 and the First Step Act of 2018, is denied;
2. The Clerk will mail a copy of this Memorandum and Order to the Defendant at his last known address.

Dated this 22nd day of February 2019.

BY THE COURT:

s/Laurie Smith Camp
Senior United States District Judge